

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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ORDER IN CONNECTION WITH MOTION
FOR RELIEF FROM STAY (DOCKET NO. 2762)

The Court has received and reviewed the *Motion on Request to Order the Lifting of the Paralysis* (the “Motion”) filed by Eliezer Santana Baez (the “Movant”) on March 20, 2018. (Docket Entry No. 2762.) The Movant requests relief from the automatic stay to continue certain litigation. Attached to the Motion is a letter (the “Letter”) dated January 16, 2018 from the Department of Justice for Puerto Rico (the “DOJ”) to the Movant. In the Letter, the DOJ informed the Movant it declined, without prejudice, the Movant’s request for consent to relief from the automatic stay because Movant had not provided sufficient information for consideration of the request. The DOJ’s letter noted that the lift stay protocol requirements of Paragraph III.Q of the Case Management Procedures require that a person who wants to seek relief from the stay must provide counsel for the Oversight Board and AAFAF with a “Lift Stay Notice” at least 15 business days before making a motion and that:

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

The Lift Stay Notice shall include (i) the identity of the movant and its contact information, (ii) the claim(s), lawsuit(s), or other proceeding(s) for which movant seeks relief from the automatic stay, including the relevant case number and court information, (iii) the amount of the claim(s) and the asserted causes of action, (iv) a brief description of the status of the underlying claim(s), lawsuit(s), or proceeding(s), and (v) cause as to why the stay should be lifted.

The Court assumes that the information that Movant provided in his Lift Stay Notice was substantially the same as the information set out in his letter Motion. That information is insufficient to meet the requirements. The Motion only lists what appear to be the docket numbers of several cases, and does not provide information as to the identity of the parties to each of the actions, the court in which each is pending, the nature of the claims and the amount sought in each action, the status of each action, and why Movant contends that there is legal cause for relief from the automatic stay in connection with each action. Without such information, this Court is also unable to consider the merits of Movant's request.

The Motion is therefore denied, without prejudice to renewal no earlier than 15 business days after Movant has provided the necessary information to counsel for the Oversight Board and AAFAF, as required by the lift stay protocol.

This order resolves docket entry no. 2762 in Case No. 17-3283.

The Clerk of Court is directed to mail a copy of this order to Movant.

SO ORDERED.

Dated: March 22, 2018

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:

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